LS

15-cv-2275

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

15 2275

I. (a) PLAINTIFFS
Barbara A. Houck and Charles Houck, Jr.

(b) County of Residence of First Listed Plaintiff Delaware, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Gary Stewart Sefflin, Esq., 30 West Third St., Media, PA 19063
610-892-9700

DEFENDANTS
Macy's, Inc. f/n/a Federal Department Stores, Inc. and Macy's E. Inc. d/b/a Macy's Springfield Mall

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*
Anthony W. Hinkle, Esq., Cipriani & Werner, 450 Sentry Parkway, Suite 200, Blue Bell, PA 19422 610-567-0700

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)* *(For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☒ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing **(Do not cite jurisdictional statutes unless diversity)**:
28 U.S.C. 1332

Brief description of cause:
Premises Liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

[VIII. RELATED C]ASE(S) *(See instructions):*

JUDGE ______ DOCKET NUMBER ______

APR 23 2015

SIGNATURE OF ATTORNEY OF RECORD

S.T.

AMOUNT ______ APPLYING IFP ______ JUDGE ______ MAG. JUDGE ______

LS 15 2275

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 108 Brent Drive, Wallingford, PA 19086

Address of Defendant: 7 West 7th Street, Cincinnati, OH 45202

Place of Accident, Incident or Transaction: Springfield Mall, 1250 Baltimore Pike, Springfield, PA 19064

(*Use Reverse Side For Additional Space*)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes☐ No☒

Does this case involve multidistrict litigation possibilities? Yes☐ No☒

RELATED CASE, IF ANY:

Case Number: ________ Judge ________ Date Terminated: ________

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
   Yes☐ No☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
   Yes☐ No☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
   Yes☐ No☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
   Yes☐ No☒

CIVIL: (Place ✔ in ONE CATEGORY ONLY)

A. *Federal Question Cases*:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
    (Please specify) ________

B. *Diversity Jurisdiction Cases*:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☒ All other Diversity Cases
   (Please specify) Premises Liability

ARBITRATION CERTIFICATION

(*Check Appropriate Category*)

I, Anthony W. Hinkle, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of $150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 4/22/15 [signature] Attorney-at-Law 49702 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

APR 23 2015

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/22/15 [signature] Attorney-at-Law 49702 Attorney I.D.#

CIV. 609 (5/2012)

LS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Barbara A. Houck and Charles Houck, Jr.,	:	CIVIL ACTION
v.	:	15 2275
Macy's Inc., f/k/a Federated Department Stores, Inc. ,et al	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

(a) Habeas Corpus □Cases brought under 28 U.S.C. § 2241 through § 2255. ( )

(b) Social Security □Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )

(c) Arbitration □Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )

(d) Asbestos □Cases involving claims for personal injury or property damage from exposure to asbestos. ( )

(e) Special Management □Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )

(f) Standard Management □Cases that do not fall into any one of the other tracks. (X)

4/22/15	Anthony W. Hinkle	Defendants
Date	**Attorney-at-law**	**Attorney for**
610-567-0700	610-567-0712	ahinkle@c-wlaw.com
Telephone	**FAX Number**	**E-Mail Address**

(Civ. 660) 10/02

APR 23 2015

LS

CIPRIANI & WERNER

A PROFESSIONAL CORPORATION

15 2275

ATTORNEYS AT LAW

ANTHONY W. HINKLE
ahinkle@c-wlaw.com

Suite 200
450 Sentry Parkway
Blue Bell, Pennsylvania 19422-2352

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www.C-WLAW.com

Pittsburgh Office:
Telephone (412) 563-2500

Harrisburg Office:
Telephone (717) 975-9600

Scranton Office:
Telephone (570) 347-0600

Marlton Office:
Telephone (856) 761-3800

Wheeling Office:
Telephone (304) 232-3600

Charleston Office:
Telephone (304) 341-0500

Wilmington Office:
Telephone (302) 401-1600

April 23, 2015

VIA HAND DELIVERY
Clerk, U.S. District Court
Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street, Room 2609
Philadelphia, PA 19106

RE: Houck et al v Macy's Inc. f/k/a Federated Department Stores, Inc., et al
Delaware County CCP No. 15-1298
Our File No.: 1037--43008B

Dear Sir/Madam:

Enclosed please find the following for filing on behalf of Defendant:

(1) An original and one (1) copy of a Notice of Removal;
(2) Civil Cover Sheet (original and one (1) copy);
(3) Case Management Track Designation Form (original and one (1) copy);
(4) Designation Form (original and **two (2)** copies);
(5) Defendant's Rule 7.1 Disclosures (original and **two (2)** copies);
(6) CD with a copy of the complete Notice of Removal package in Adobe format; and
(7) $400.00 filing fee.

Please return a time-stamped copy to the undersigned in the self-addressed, stamped envelope provided. Thank you for your assistance in this matter.

Very truly yours,

Anthony W. Hinkle

AWH/wh
Enclosures
cc: Gary Stewart Steflin, Esquire

$400

LS

2

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

Barbara A. Houck and Charles Houck, Jr., h/w	:	**CIVIL ACTION**
	:	Case No. 15 2275
Plaintiffs,	:	
	:	**JURY TRIAL DEMANDED**
v.	:	
	:	
Macy's, Inc., formerly known as Federated Department Stores, Inc. and Macy's East, Inc. d/b/a Macy's Springfield Mall,	:	FILED APR 2
	:	
Defendants.	:	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that on April 23, 2015, defendant Macy's, Inc., filed in the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania the within Notice of Removal.

The Notice of Removal is also being filed with the Court of Common Pleas of Delaware County pursuant to 28 U.S.C. §1446(d).

A Praecipe to Remove the case from the Delaware County docket will be filed after the Federal Court assigns this matter an appropriate civil action number.

Respectfully submitted,
CIPRIANI & WERNER, P.C.

By:____________________

Anthony W. Hinkle, Esquire
PA Attorney ID No. 49702
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700
ahinkle@c-wlaw.com
Attorney for Defendants

CERTIFICATE OF SERVICE

I, Anthony W. Hinkle, Esquire, hereby certify that a true and correct copy of Defendant's foregoing **NOTICE OF REMOVAL** will be served this date as follows:

a. Electronically by the Court upon all counsel of record who are registered to receive same; or

b. via First Class Mail, postage pre-paid, in accordance with Pennsylvania Rules of Civil Procedure, upon the below counsel should they not be electronically served by the Court:

Gary Stewart Seflin, Esquire
30 West Third Street
Media, PA 19063

CIPRIANI & WERNER, P.C.

By: ________________________
Anthony W. Hinkle, Esquire
PA Attorney ID No. 49702
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700
ahinkle@c-wlaw.com
Attorney for Defendants,

Dated: April 23, 2015

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Barbara A. Houck and Charles Houck, Jr., h/w Plaintiffs, v. Macy's, Inc., formerly known as Federated Department Stores, Inc. and Macy's East, Inc. d/b/a Macy's Springfield Mall, Defendants.	:	**CIVIL ACTION** Case No. ______________ **JURY TRIAL DEMANDED**

NOTICE OF REMOVAL

Petitioners/Defendants Macy's, Inc. (incorrectly captioned as Macy's, Inc., formerly known as Federated Department Stores, Inc.), and Macy's East, Inc. (incorrectly captioned as Macy's East, Inc., d/b/a Macy's Springfield Mall) (hereinafter collectively referred to as "Macy's"), hereby files the within Notice of Removal to the United States District Court for the Eastern District of Pennsylvania, stating as follows:

1. This action was initiated in the Court of Common Pleas of Delaware County by Writ of Summon against Macy's under docket number 15-1298 on February 11, 2015. (True and correct copies of Plaintiffs' Writ of Summons and the Electronic Docket of the Court of Common Pleas of Delaware County are attached hereto and marked as Exhibits "A" and "B," respectively.)

2. The undersigned defense counsel entered an appearance, demanded a jury trial and requested a Rule to File Complaint in the Delaware Court of Common Pleas on or about March 9, 2015.

3. On or about April 6, 2015, Plaintiffs filed a Civil Action Complaint. (A true and correct copy of Plaintiffs' Complaint is attached hereto and marked as Exhibit "C.")

4. Defendant Macy's was served with the Complaint on or about April 10, 2015 by way of first class mail to its undersigned counsel and, accordingly, this Notice of Removal was timely filed within thirty (30) days thereafter under the applicable Federal Rules of Civil Procedure.

5. This action involves an incident that allegedly occurred at the Macy's Department Store located at the Springfield Mall, Springfield, Delaware County, Pennsylvania on February 14, 2013. (See Complaint, Ex. "C," ¶7).

6. Plaintiff Barbara A. Houck contends she was caused to trip and fall when "her right foot was caught upon a hard-crumpled rubber-edged floor (rippled) mat or rug situated at the entrance/exit of the store." (See Complaint, Ex. "C," ¶7.)

7. Plaintiffs are demanding judgment against defendant Macy's on theories of negligence and carelessness for an amount in excess of $50,000.00. (See Complaint, Ex. "C.")

Diversity of Citizenship

8. Plaintiffs, based on information and belief and as alleged in their Complaint, are citizens of the Commonwealth of Pennsylvania.

9. Plaintiffs erroneously allege in their Complaint that defendant Macy's, Inc. (incorrectly captioned Macy's, Inc., formerly known as Federated Department Stores, Inc.), is a corporate entity authorized to conduct business within the Commonwealth of Pennsylvania. (See Complaint, Ex. "C," ¶3.)

10. Defendant Macy's, Inc., is incorporated in the State of Delaware with its principal place of business located at 7 West Seventh Street, Cincinnati, Ohio 45202.

11. Plaintiffs further erroneously allege in their Complaint that defendant Macy's East, Inc., (incorrectly captioned Macy's East, Inc., d/b/a Macy's Springfield Mall) "is a Pennsylvania business entity which owns and maintains the realty, maintains offices, and a place of business, comprising the situs of the accident, the Macy's Department Store, situated within the Springfield Mall, located at 1250 Baltimore Pike (at Sproul Road), which is also known as Route 320), Springfield, Pennsylvania." (See Complaint, Ex. "C," ¶4.)

12. Defendant Macy's East, Inc., was an active corporation from December 31, 1994 through January 28, 2006. On June 28, 2006 it ceased to exist and was succeeded by Federated Retail Holdings, Inc. Federated Holdings, Inc., changed its name to Macy's Retail Holdings, Inc., on June 1, 2007.

13. The true and correct name of the entity trading and conducting business as "Macy's" at the Springfield Mall on the day of the alleged incident and at all times relevant hereto is Macy's Retail Holdings, Inc.

14. Macy's Retail Holdings, Inc., is a wholly owned subsidiary of Macy's, Inc.

15. Macy's Retail Holdings, Inc., is a New York corporation with its principal place of business located at 7 West Seventh Street, Cincinnati, Ohio 45202.

16. Neither defendant Macy's, Inc., nor its wholly owned subsidiary, Macy's Retail Holdings, Inc., is incorporated in or maintains its principal place of business in the Commonwealth of Pennsylvania.

17. Accordingly, because Plaintiffs and defendant Macy's, Inc., as well as its wholly-owned subsidiary, Macy's Retail Holdings, Inc. (which owns and operates the Macy's department store subject of the instant suit), are citizens of different states, complete diversity of citizenship exists between the parties in accordance with 28 U.S.C. § 1332, and 28 U.S.C. § 1441.

Amount in Controversy

18. Plaintiffs in their Complaint seek to recover for injuries and damages plaintiff Barbara A. Houck allegedly sustained, including, but not limited to:

a) Facial injuries and lacerations;

b Fracture to the left inferior orbital bone; and

c) Recurrent lumbar spinal stenosis requiring a laminectomy, durotomy, with partial facetectomies, extensive foraminotomies, and repair of the dural tear with patch graft.

(See Complaint, Ex. "C," ¶16.)

19. Plaintiffs contend in their Complaint that plaintiff Barbara Houck's injuries are severe and permanent in nature. (See Complaint, Ex "C," ¶18.)

20. Plaintiffs further allege to have incurred medical bills of One Hundred Sixty-Six Thousand, Five Hundred Eighty-Seven Dollars and 31/100 ($166,587.31), an amount in excess of the jurisdictional threshold.

21. Together, Plaintiffs' alleged injuries, requiring surgery(ies), and medical bills in excess of $160,000.00 establish, on the pleadings alone, that Plaintiffs claims exceed the jurisdictional threshold of $75,000.00.

22. In accordance with §1332, this case involves (a) injuries, which, as alleged will exceed $75,000.00, exclusive of interest and costs; and (b) is between citizens of different states. 28 U.S.C. § 1332(a)(3).

23. Additionally, in accordance with applicable Federal Rules of Civil Procedure and/or Statutes, namely 28 U.S.C.A. §1446(b), this Notice of Removal was filed within thirty (30) days after defendant received service of Plaintiff's Complaint. See Johnson v. Vertis, Inc., 2002 WL 31388817 (E.D.Pa.) (citing 28 U.S.C. § 1446(b)).

24. Thus, the present action is a civil action over which this Court has original jurisdiction by virtue of the diversity of citizenship of the parties pursuant to 28 U.S.C. §1332..

WHEREFORE, Petitioners/Defendants Macy's, Inc. (incorrectly captioned as Macy's, Inc., formerly known as Federated Department Stores, Inc.), and Macy's East, Inc. (incorrectly captioned as Macy's East, Inc., d/b/a Macy's Springfield Mall), respectfully request that the instant civil action commenced against it in the Court of Common Pleas of Delaware County, Pennsylvania be removed to this Court for all further proceedings.

Respectfully submitted,

CIPRIANI & WERNER, P.C.

By: ______________________________

Anthony W. Hinkle, Esquire
PA Attorney ID No.: 49702
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
(610) 567-0700
ahinkle@c-wlaw.com
Attorney for Defendants

Dated: April 23, 2015

EXHIBIT "A"

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

DELAWARE County

For Prothonotary Use Only:	FILED
Docket No: 15-1298	2015 FEB 1 PM 1:06

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

JUDICIAL SUPPORT DELAWARE CO. PA.

Received Date: 2/17/2015

S E C T I O N A

Commencement of Action:
- ☐ Complaint
- ☒ Writ of Summons
- ☐ Petition
- ☐ Transfer from Another Jurisdiction
- ☐ Declaration of Taking

Lead Plaintiff's Name: BARBARA A. HOUCK

Lead Defendant's Name: MACY'S INC.

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: (check one) ☐ within arbitration limits ☒ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: GARY STEWART SEFLIN, ESQUIRE

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

S E C T I O N B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your *PRIMARY CASE*. If you are making more than one type of claim, check the one that you consider most important.

TORT (*do not include Mass Tort*)
- ☐ Intentional
- ☐ Malicious Prosecution
- ☐ Motor Vehicle
- ☐ Nuisance
- ☒ Premises Liability
- ☐ Product Liability (*does not include mass tort*)
- ☐ Slander/Libel/ Defamation
- ☐ Other:

MASS TORT
- ☐ Asbestos
- ☐ Tobacco
- ☐ Toxic Tort - DES
- ☐ Toxic Tort - Implant
- ☐ Toxic Waste
- ☐ Other:

PROFESSIONAL LIABLITY
- ☐ Dental
- ☐ Legal
- ☐ Medical
- ☐ Other Professional:

CONTRACT (*do not include Judgments*)
- ☐ Buyer Plaintiff
- ☐ Debt Collection: Credit Card
- ☐ Debt Collection: Other
- ☐ Employment Dispute: Discrimination
- ☐ Employment Dispute: Other
- ☐ Other:

REAL PROPERTY
- ☐ Ejectment
- ☐ Eminent Domain/Condemnation
- ☐ Ground Rent
- ☐ Landlord/Tenant Dispute
- ☐ Mortgage Foreclosure: Residential
- ☐ Mortgage Foreclosure: Commercial
- ☐ Partition
- ☐ Quiet Title
- ☐ Other:

CIVIL APPEALS

Administrative Agencies
- ☐ Board of Assessment
- ☐ Board of Elections
- ☐ Dept. of Transportation
- ☐ Statutory Appeal: Other
- ☐ Zoning Board
- ☐ Other:

MISCELLANEOUS
- ☐ Common Law/Statutory Arbitration
- ☐ Declaratory Judgment
- ☐ Mandamus
- ☐ Non-Domestic Relations Restraining Order
- ☐ Quo Warranto
- ☐ Replevin
- ☐ Other:

Updated 1/1/2011

Received Date: 2/17/2015

IN THE COURT OF COMMONPLEAS OF DELAWARE COUNTY, PENNSYLVANIA
CIVIL LAW ACTION

FILED
2015 FEB 11 PM 1:06
OFFICE OF JUDICIAL SUPPORT DELAWARE CO. PA.

BARBARA A. HOUCK, and
CHARLES HOUCK, h/w
108 Brent Drive
Wallingford, PA 19086

VS.

MACY'S, INC., formerly known as FEDERATED DEPARTMENT STORES, INC.
7 West 7th Street
Cincinnati, OH 45202

and

MACY'S EAST, INC., d/b/a MACY'S SPRINGFIELD MALL
7 West 7th Street
Cincinnati, OH 45202

DEFENDANT(S)

No. ______________

PRAECIPE FOR WRIT OF SUMMONS

TO THE OFFICE OF JUDICIAL SUPPORT:

Issue summons in civil action in the above case and forward to [ ] Sheriff or [✓] Attorney.

____
Signature of Attorney/Pro Se Party

GARY STEWART SEFLIN
30 West Third Street
Media, PA 19063
610-892-9700
Name/Address/Telephone # of Attorney/Pro Se Party

Date: 2/11/2015 Attorney Supreme Court ID # 38608

WRIT OF SUMMONS IN CIVIL ACTION

TO: **MACY'S INC., and MACY'S EAST, INC.**

YOU ARE NOTIFIED THAT THE ABOVE- NAMED PLAINTIFF(S) HAS/HAVE COMMENCED AN ACTION AGAINST YOU.

ANGELA L. MARTINEZ, ESQ.,
DIRECTOR
OFFICE OF JUDICIAL SUPPORT

Date: February 11, 2015

By: ______________________

____
Attested to be a true and correct
Copy of the original

EXHIBIT "B"

Delaware County, Pennsylvania
Rich in Culture, History and Commerce

Home | Search | Contact Us   Departments...   Services...

Judgment Index Search   Case Search

<< Back to previous page

Case Information

Date: April 21, 2015 1:30:22 PM EDT

Case Filing Date	Case Number	Case Type
02/11/2015	2015-001298	Premises Liability

Litigant(s) Information

Party Name	Attorney(s)	Party Role	Address	Case Filing Date
HOUCK, BARBARA A	SEFLIN, GARY STEWART	Plaintiff		02/11/2015
HOUCK, CHARLES	SEFLIN, GARY STEWART	Plaintiff		02/11/2015
FEDERATED DEPARTMENT STORES INC,	HINKLE , ANTHONY W	Defendant	7 W 7TH ST CINCINNATI OHIO 45202	02/11/2015
MACYS EAST INC,	HINKLE , ANTHONY W	Defendant	7 W 7TH ST CINCINNATI OHIO 45202	02/11/2015
MACYS INC	HINKLE , ANTHONY W	Defendant	7 W 7TH ST CINCINNATI OHIO 45202	02/11/2015
MACYS SPRINGFIELD MALL,	HINKLE , ANTHONY W	Defendant	7 W 7TH ST CINCINNATI OHIO 45202	02/11/2015

Docket Information

Description	Comments	Filing Attorney	Event Filing Date	Event Filing Time	View Image
Case Initiated - Writ of Summons			02/11/2015	12:59:30 AM	View Image
Case Initiated - Writ of Summons		SEFLIN, GARY STEWART	02/11/2015	12:59:30 AM	View Image
Receivable Created For $285.50			02/11/2015	12:59:30 AM	
Receipt# 108299 generated for the amount of $ 285.50			02/11/2015	01:00:47 PM	
Writ Issued and Writ Exit			02/11/2015	01:20:49 PM	
Praecipe for Rule to File Complaint			03/09/2015	11:43:31 AM	View Image
Praecipe for Appearance	HINKLE, ESQ FOR DEFENDANTS		03/09/2015	11:43:31 AM	View Image
Receipt# 111998 generated for the amount of $ 50.00			03/09/2015	02:11:44 PM	
Certificate of Service			03/20/2015	11:32:07 AM	View Image
Complaint Filed			04/06/2015	04:20:19 PM	View Image

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EXHIBIT "C"

GARY STEWART SEFLIN, ESQUIRE
Attorney I.D. No.: 38608
30 West Third Street
Media, Pennsylvania 19063
(610) 892-9700

Attorney for Plaintiffs,
Barbara A. Houck and Charles
Houck, Jr., h/w

BARBARA A. HOUCK and **CHARLES HOUCK, JR.,** h/w 108 Brent Drive Wallingford, PA 19086 **Plaintiffs**	: **DELAWARE COUNTY** : **COURT OF COMMON PLEAS**
v.	
MACY's INC., formerly known As FEDERATED DEPARTMENT STORES, INC., 7 West 7th Street Cincinnati, Ohio 45202 and, **MACY'S EAST, INC., d/b/a MACY's SPRINGFIELD MALL** 1250 Baltimore Pike Springfield, PA 19064 **Defendants**	: **NO.: 15-1298** : **CIVIL ACTION - LAW**

CIVIL ACTION COMPLAINT

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Second Amended Civil Action Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court, your defenses or objections to the claims set forth against you.

You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE
FRONT & LEMON STREETS
MEDIA, PA. 19063
(610) 566-6625

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FILED
2015 APR -6 PM 4:20
OFFICE OF JUDICIAL SUPPORT DELAWARE CO. PA.

Attorney for Plaintiffs, Barbara A. Houck and Charles Houck, Jr., h/w

BARBARA A. HOUCK and **CHARLES HOUCK, JR.,** h/w 108 Brent Drive Wallingford, PA 19086 **Plaintiffs**	: **DELAWARE COUNTY** : **COURT OF COMMON PLEAS**
v.	
MACY's INC., formerly known As FEDERATED DEPARTMENT STORES, INC., 7 West 7th Street Cincinnati, Ohio 45202 and, **MACY'S EAST, INC., d/b/a MACY's SPRINGFIELD MALL** 1250 Baltimore Pike Springfield, PA 19064 **Defendants**	: **NO.: 15-1298** : **CIVIL ACTION - LAW**

CIVIL ACTION COMPLAINT

Plaintiffs, Barbara A. Houck and Charles Houck, Jr., h/w, acting by and through their counsel, Gary Stewart Seflin, Esquire, files this Civil Action Complaint pursuant to Pennsylvania Rules of Civil Procedure 1001, 1017 and 1019, pleading as follows:

1. Plaintiff Barbara A. Houck is an adult citizen and resident of the Commonwealth of Pennsylvania who maintains a residence at 108 Brent Drive, Wallingford, PA 19086.

2. Plaintiff Charles Houck Jr. is an adult citizen and resident of the Commonwealth of Pennsylvania who maintains a residence at 108 Brent Drive, Wallingford, PA 19086.

3. Defendant Macy's Inc., formerly known as Federated Department Stores, Inc., ("Macy's") is a corporate entity authorized to conduct business within the Commonwealth of Pennsylvania, with its headquarters located at 7 West 7th Street, Cincinnati, Ohio 45202.

4. Defendant Macy's East, Inc., d/b/a/ Macy's Springfield Mall, ("Macy's East") is a Pennsylvania business entity which owns and maintains the realty, maintains offices, and a place of business, comprising the situs of the accident, the Macy's Department Store, situated within the Springfield Mall, located at 1250 Baltimore Pike (at Sproul Road, which is also known as Route 320), Springfield Pennsylvania 19064.

5. At all relevant and material times hereto, Defendants, acting by and through its agents, servants, workmen, officials and/or employees and within the furtherance of its own business did own, operate, maintain, manage, control and possess or otherwise bears legal responsibility for the care, control and/or safety of the premises known as the "Macy's Store," located within the Springfield Mall, 1250 Baltimore Pike (at Sproul Road, which is also known as Route 320), Springfield, Pennsylvania 19064, as a department store.

6. At all relevant and material times hereto, it was the duty of Defendants, Macy's and Macy's East, to keep, maintain and supervise the maintenance of the aisles and floors within the premises in a safe condition for those persons lawfully therein, and specifically business invitees.

7. On Thursday, February 14, 2013, at approximately 8:00 P.M., Plaintiff Barbara A. Houck was a business invitee lawfully upon the premises owned, managed, possessed, and controlled by the Defendants, shopping within the Macy's Store addressed above. ***See Restatement (Second) of Torts § 332(3).***

8. At the approximate date and time above, the Plaintiff had been supplied a "Personal Shopper," an employee of the Defendants named Chrissy O'Brien, which is provided to customers within the Macy's Store by the Defendants, in order to facilitate customer ambulation and assist with purchases.

9. As the Plaintiff, Barbara A. Houck, was exiting the store with Ms. O'Brien at her side supporting the Plaintiff, her right foot caught upon a hard-crumpled rubber-edged floor (rippled) mat or rug situated at the entrance/exit of the store. As a result, the Plaintiff tripped and fell forward upon the snare or hazard, face first, causing serious, permanent and severe injuries.

10. Ms. Houck was neither aware of the hazardous or dangerous condition, nor was the hazardous condition obvious to the Plaintiff.

11. Indeed, Plaintiff Barbara Houck was lured towards the exit by Ms. O'Brien, who was constantly speaking with Mrs. Houck, thereby distracting her, at the time of the incident.

12. On the above date and time, the floor containing the hazardous crumpled mat was open for public use and travel, and it was the duty and responsibility of the Defendants to maintain the premises in a safe condition for the public and, in particular, business invitees, such as the Plaintiff.

13. Defendants Macy's and Macy's East had actual or constructive knowledge, and/or notice of the existence of the snare or hazard, and said Defendants were obliged to remedy, repair, and/or eliminate the hazard.

14. No signs in the area warned of the dangerous condition, and the Defendants' staff did not warn the Plaintiff of the hazardous condition; indeed, agents, servants, or employees of the Defendants lead Mrs. Houck directly into the snare, trap, or hazard, while distracting her with small talk combined with sales or marketing pitches.

15. The injuries sustained by the Plaintiff as a result of this incident were caused by the negligence and carelessness of the Defendants and their agents, servants, and/or employees. Defendants and their staff had superior knowledge of the hazard, snare, or trap, caused by the crumpled rug or mat, by and/or through routine inspections of the floors.

16. As a direct and proximate result of the negligent and careless conduct on the part of the Defendants, Plaintiff Barbara A. Houck was caused to sustain serious impairment of bodily functions and other serious injuries and disfigurements to various parts of her body, including, but not limited to:

a. facial injuries and lacerations (nasal damage with mucosal thickening and substantial swelling in the surrounding area);
b. acute blowout fracture of the left inferior orbital bone with herniation of the left orbital fat into the fracture defect;
c. oral cavity and nerve injuries (loss of medically necessitated caps, loosened teeth, numbness and swelling within the mouth, lips, and jaw);
d. left elbow;

e. recurrent lumbar spinal stenosis at the L4-L5 lumbosacral area (resulting in a laminectomy, durotomy, with partial facetectomies, extensive foraminotomies, and repair of dural tear with patch graft, along with the creation of a paraspinous muscle flap covering the dura);
f. thoracic or lumbosacral neuritis or radiculitis;
g. right foot and bilateral leg injury, resulting in a loss of normal ambulatory state;
h. insomnia and anxiety disorder;
i. depression;
j. massive swelling of her face and areas surrounding the left eye; and,
k. extensive disfigurement and facial bruising.

some or all of which may be permanent in nature, and all of which have caused her and her family great pain and suffering, mental anguish, distress, inconvenience, loss of sleep, loss of feeling of well-being, limitation of motion, limitation of normal activities, embarrassment, humiliation and nervousness; all of which may continue into the future or for an indefinite period of time.

17. Plaintiff specifically avers that she may have suffered other injuries not specifically enumerated above.

18. Plaintiff believes, and therefore avers, that some or all of the aforesaid injuries are, or may be, permanent, and that medical care and attention may be required indefinitely or permanently into the future.

19. As a result of the aforesaid injuries, Plaintiff has undergone and endured great physical pain, suffering, and mental anguish and will continue to endure great physical pain, suffering and mental anguish for an indefinite period of time in the future all to Plaintiff's great detriment and loss.

20. As a direct result of the negligence and carelessness of the Defendants, and the incident proximately caused thereby, Plaintiffs has been forced to incur medical bills ($166,587.31 to date) in an attempt to heal or cure the injuries caused by the aforementioned described fall.

21. Therefore, as a result of her injuries, Plaintiff has incurred and may hereafter incur other medical expenses, which said sums are recoverable.

22. Further, as a result of her injuries, the Plaintiff has sustained a diminution of her ability to enjoy life and life's pleasures.

23. As a direct, proximate and reasonable result of the injuries aforementioned, Plaintiff has or may hereinafter incur other financial expenses or losses, which do or may exceed the amounts which Plaintiff may otherwise be entitled to recover.

COUNT I

Plaintiff Barbara A. Houck
vs.
Defendant Macy's

Negligence and Carelessness

24. Paragraphs 1 – 23 are incorporated as though the same were set forth at length.

25. The accident or incident in question was caused by the negligence and carelessness of Defendant Macy's, in that it:

a. failed to use due care and to employ reasonable skill in the performance of its duties and in its duty of care toward the Plaintiff;

b. failed to exercise the judgment, care, and skill of reasonable persons under similar circumstances;

c. permitted the dangerous condition and defect to be and remain upon the floor of the Defendant's premises, when the Defendant knew, or in the exercise of reasonable care should have known, of the danger involved, in violation of the Restatement (Second) of Torts §343 and §343A;

d. failed to use reasonable prudence or care in maintaining the premises, namely removing the hazardous condition from the floor and maintaining flooring and equipment in a safe condition, in violation of the Restatement (Second) of Torts §343 and §343A;

e. failed to properly inspect the premises where Plaintiff was injured, in violation of the Restatement (Second) of Torts §343 and §343A;

f. permitted persons, the Plaintiff in particular, as a business invitee, to traverse the floor of the store when the Defendant knew, or in the exercise of reasonable care should have known, that it was dangerous to do so and involved an unreasonable risk of harm to persons so doing, in violation of the Restatement (Second) of Torts §343 and §343A;

g. failed to warn the Plaintiff of the defect, that being the defective floor covering;

h. unreasonably exposed the Plaintiff, a business invitee, to a dangerous condition;

i. failed to correct, remedy, repair, and/or eliminate the dangerous condition and defect;

j. failed to provide an alternate route so as to furnish patrons of the Defendant's supermarket with a reasonably safe area within which to walk nor to exit the Macy's Store;

k. failed to properly investigate or vet those individuals or entities responsible for maintaining the premises in a safe condition;

l. actively lead Plaintiff Barbara Houck directly into the path of the hazard, snare, or dangerous condition, which directly and proximately caused severe physical harm and extensive damages to the Plaintiff; and

m. allowed or permitted the flooring or floor covering to remain as a hazard, snare or otherwise in a state of disrepair.

26. The accident or incident in question was, in no manner or fashion whatsoever, attributable to any act or omission of the Plaintiff, as she was simply an innocent victim of utter carelessness and negligence by the Defendant.

27. The above described negligence and carelessness of the Defendant was a direct and proximate cause of the damages and injuries sustained by the Plaintiff, as set forth at length above.

WHEREFORE, Plaintiff Barbara A. Houck demands judgment in her favor and against Defendant Macy's in an amount in excess of Fifty Thousand ($ 50,000.00) Dollars, in addition to interest, damages for delay, counsel fees, as well as costs and expenses incurred during the course of this litigation.

COUNT II

Plaintiff Barbara A. Houck
vs.
Defendant Macy's East

Negligence and Carelessness

28. Paragraphs 1 – 27 are incorporated as though the same were set forth at length.

29. The accident or incident in question was caused by the negligence and carelessness of Defendant Macy's East, in that it:

a. failed to use due care and to employ reasonable skill in the performance of its duties and in its duty of care toward the Plaintiff;

b. failed to exercise the judgment, care, and skill of reasonable persons under similar circumstances;

c. permitted the dangerous condition and defect to be and remain upon the floor of the Defendant's premises, when the Defendant knew, or in the exercise of reasonable care should have known, of the danger involved, in violation of the Restatement (Second) of Torts §343 and §343A;

d. failed to use reasonable prudence or care in maintaining the premises, namely removing the hazardous condition from the floor and maintaining flooring and equipment in a safe condition, in violation of the Restatement (Second) of Torts §343 and §343A;

e. failed to properly inspect the premises where Plaintiff was injured, in violation of the Restatement (Second) of Torts §343 and §343A;

f. permitted persons, the Plaintiff in particular, as a business invitee, to traverse the floor of the store when the Defendant knew, or in the exercise of reasonable care should have known, that it was dangerous to do so and involved an unreasonable risk of harm to persons so doing, in violation of the Restatement (Second) of Torts §343 and §343A;

g. failed to warn the Plaintiff of the defect, that being, the defective floor covering;

h. unreasonably exposed the Plaintiff, a business invitee, to a dangerous condition;

i. failed to correct, remedy, repair, and/or eliminate the dangerous condition and defect;

j. failed to provide an alternate route so as to furnish patrons of the Defendant's store with a reasonably safe area within which to walk nor to exit the Macy's Store;

k. failed to properly investigate or vet those individuals or entities responsible for maintaining the premises in a safe condition;

l. actively lead Plaintiff Barbara Houck directly into the path of the hazard, snare, or dangerous condition, which directly and proximately caused severe physical harm and extensive damages to the Plaintiff; and

m. allowed or permitted the flooring or floor covering to remain as a hazard, snare or otherwise in a state of disrepair.;

30. The accident or incident in question was, in no manner or fashion whatsoever, attributable to any act or omission of the Plaintiff, as she was simply an innocent victim of utter carelessness and negligence by the Defendant.

31. The above described negligence and carelessness of the Defendant was a direct and proximate cause of the damages and injuries sustained by the Plaintiff, as set forth at length above.

WHEREFORE, Plaintiff Barbara A. Houck demands judgment in her favor and against Defendant Macy's East in an amount in excess of Fifty Thousand ($ 50,000.00) Dollars, in addition to interest, damages for delay, counsel fees, as well as costs and expenses incurred during the course of this litigation.

COUNT III
Plaintiff Barbara A. Houck
vs.
Defendant Macy's

Respondeat Superior

32. Paragraphs 1 – 31 are incorporated as though the same were set forth at length.

33. The accident or incident in question was caused solely and exclusively by the negligence and carelessness of Defendant Macy's and/or their employee, Chrissy O'Brien.

34. At the time of the incident, Chrissy O'Brien was conducting duties within the scope of her employment.

35. Defendant's staff did not warn the Plaintiff of the hazardous condition; indeed, agents, servants, or employees of the Defendants led Mrs. Houck directly into the snare, trap, or hazard, while distracting her with small talk combined with sales or marketing pitches.

36. Defendant Macy's is liable, as a matter of law, for the negligence and carelessness of its agents, servants, and employees, via the doctrine of *respondeat*

superior.

WHEREFORE, Plaintiff Barbara A. Houck demands judgment in her favor and against Defendant Macy's in an amount in excess of Fifty Thousand ($ 50,000.00) Dollars, in addition to interest, damages for delay, counsel fees, as well as costs and expenses incurred during the course of this litigation.

COUNT IV
Plaintiff Barbara A. Houck
vs.
Defendant Macy's East

Respondeat Superior

37. Paragraphs 1 – 36 are incorporated as though the same were set forth at length.

38. The accident or incident in question was caused solely and exclusively by the negligence and carelessness of Defendant Macy's East and/or their employee, Chrissy O'Brien.

39. At the time of the incident, Chrissy O'Brien was conducting duties within the scope of her employment.

40. Defendant's staff did not warn the Plaintiff of the hazardous condition; indeed, agents, servants, or employees of the Defendants led Mrs. Houck directly into the snare, trap, or hazard, while distracting her with small talk combined with sales or marketing pitches.

41. Defendant Macy's East is liable, as a matter of law, for the negligence and carelessness of its agents, servants, and employees, via the doctrine of *respondeat superior*.

WHEREFORE, Plaintiff Barbara A. Houck demands judgment in her favor and against Defendant Macy's East in an amount in excess of Fifty Thousand ($ 50,000.00) Dollars, in addition to interest, damages for delay, counsel fees, as well as costs and expenses incurred during the course of this litigation.

COUNT V
Plaintiff Charles Houck Jr.
vs.
Defendant Macy's

Loss of Consortium

42. Paragraphs 1 – 41 are incorporated as though the same were set forth at length.

43. As a direct result of the serious, severe, permanent, and/or debilitating injuries and damages suffered by Plaintiff, Barbara A. Houck, resulting from the negligence, carelessness, and wholesale indifference to the rights, safety, health, and welfare of the Plaintiff by Defendant Macy's, Plaintiff Charles Houck, Jr., has suffered and incurred damages for the loss of the society, comfort, and consortium of his wife, Barbara A. Houck.

WHEREFORE, Plaintiff Charles Houck Jr. demands judgment in his favor and against Defendant Macy's in an amount in excess of Fifty Thousand ($ 50,000.00) Dollars, in addition to interest, damages for delay, counsel fees, as well as costs and expenses incurred during the course of this litigation.

COUNT VI

Plaintiff Charles Houck Jr.

Vs.

Defendant Macy's East

Loss of Consortium

44. Paragraphs 1 – 43 are incorporated as though the same were set forth at length.

45. As a direct result of the serious, severe, permanent, and/or debilitating injuries and damages suffered by Plaintiff, Barbara A. Houck, resulting from the negligence, carelessness, and wholesale indifference to the rights, safety, health, and welfare of the Plaintiff by Defendant Macy's East, Plaintiff Charles Houck, Jr., has suffered and incurred damages for the loss of the society, comfort, and consortium of his wife, Barbara A. Houck.

WHEREFORE, Plaintiff Charles Houck Jr. demands judgment in his favor and against Defendant Macy's East in an amount in excess of Fifty Thousand ($ 50,000.00) Dollars, in addition to interest, damages for delay, counsel fees, as well as costs and expenses incurred during the course of this litigation.

Respectfully submitted,

GARY STEWART SEFLIN, ESQUIRE
Attorney for Plaintiffs,
Barbara A. Houck and Charles Houck, Jr., h/w

VERIFICATION

I, CHARLES HOUCK, JR. and BARBARA HOUCK, verify that the statements issued within the attached CIVIL ACTION COMPLAINT are true and correct to the best of my knowledge, information and belief. I understand that false statements issued herein are subject to the penalties of the Pennsylvania Criminal Code at 18 Pa. C. S. §4904, relating to unsworn falsification to authorities.

Charles Houck Jr.
CHARLES HOUCK, JR.

Barbara Houck
BARBARA HOUCK

April 2, 2015
Date

CERTIFICATE OF SERVICE

I, Anthony W. Hinkle, Esquire, hereby certify that a true and correct copy of Defendant's foregoing **NOTICE OF REMOVAL** will be served this date as follows:

a. Electronically by the Court upon all counsel of record who are registered to receive same; or

b. via First Class Mail, postage pre-paid, in accordance with Pennsylvania Rules of Civil Procedure, upon the below counsel should they not be electronically served by the Court:

Gary Stewart Seflin, Esquire
30 West Third Street
Media, PA 19063

CIPRIANI & WERNER, P.C.

By: ______________________________
Anthony W. Hinkle, Esquire
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Attorney for Defendants

Dated: April 23, 2015